United Nations A/HRC/34/6/Add.1

General Assembly

Distr.: General
13 March 2017
English
Original: Spanish

Human Rights Council
Thirty-fourth session
27 February-24 March 2017
Agenda item 6
Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Bolivarian Republic of Venezuela

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

GE.17-04009 (E) 210317 220317

1704009

Please recycle

133.227, 133.228, 133.229, 133.230, 133.231, 133.233, 133.234, 133.236, 133.237, 133.239, 133.240, 133.241, 133.242, 133.244, 133.245, 133.246, 133.248, 133.249, 133.250, 133.251, 133.252, 133.253, 133.254, 133.255, 133.256, 133.258, 133.259, 133.260, 133.261, 133.263, 133.264, 133.265, 133.266, 133.267, 133.268, 133.269, 133.270, 133.271, 133.272, 133.273 and 133.274

6. The Government has accepted the large number of recommendations enumerated above because they are already being implemented as a matter of priority through public policies stemming from the first National Human Rights Plan 2016-2019, subject to the monitoring and assessment of the National Council for Human Rights.

III. Recommendations accepted by the State because they will be implemented

Recommendations: 133.247, 133.257 and 133.262

IV. Recommendations noted by the State

Recommendations:

133.1, 133.3, 133.4, 133.5, 133.6, 133.9, 133.11, 133.13, 133.14, 133.15, 133.16, 133.20, 133.59, 133.81, 133.82, 133.83, 133.84, 133.88, 133.112, 133.113, 133.136, 133.137, 133.183, 133.198, 133.232, 133.235, 133.238 and 133.243

7. Venezuela takes note of the recommendations listed above and has the following comments:

- The process of ratifying an international treaty is undertaken by the State of Venezuela with the utmost rigour and seriousness. An international treaty must, under the Constitution, be in accordance with State sovereignty and the interests of the Venezuelan people. In order to ratify a treaty, there must be enough time to conduct a comparative analysis of its provisions, a broad consultation process with the relevant institutions, and a thorough examination of the legal order and an analysis of the policies and programmes in force, with a view to ensuring that the international obligations under consideration are compatible with domestic law and the country's social, cultural, economic and political circumstances.

- Venezuela, as a member of the Human Rights Council, has and will continue to collaborate closely with the United Nations human rights bodies, in particular the Council and its mechanisms. This applies equally to the Office of the United Nations High Commissioner for Human Rights, where relevant. This collaboration is clear from the considerable amount of information that the State consistently provides to all the bodies and mechanisms of the universal human rights system. In this respect, Venezuela sovereignly and carefully assesses all requests to visit the country on the basis of the principles of objectivity, transparency, non-politicization, non-selectivity and equal treatment.

- Venezuela is taking all necessary measures to offset the falling price of its main export, oil, in the face of the cruel, unconventional economic war being waged by the de facto political and economic leaders of the sectors that make up certain national and international elites.

- Therefore, some of the recommendations concerning the right to health and food can be misleading on account of their marked political and negative bias and are not, in our opinion, intended to be constructive suggestions. This exacerbates the adverse effects of the endless economic war and the constant harassment and threats against a progressive portion of the country being carried out in the economic, trade and financial spheres, thereby hindering the population's enjoyment of its human rights.

V. Recommendations not accepted by the State

Recommendations:

133.18, 133.26, 133.27, 133.39, 133.40, 133.78, 133.79, 133.80, 133.85, 133.86, 133.87, 133.89, 133.90, 133.91, 133.92, 133.93, 133.94, 133.95, 133.96, 133.98, 133.99, 133.100, 133.115, 133.122, 133.125, 133.131, 133.132, 133.134, 133.135, 133.138, 133.149, 133.150, 133.157, 133.160, 133.161, 133.162, 133.163, 133.165, 133.176, 133.179, 133.180, 133.184, 133.188, 133.191, 133.192, 133.196, 133.200, 133.203, 133.204, 133.205, 133.206, 133.215 and 133.217.

8. Venezuela, by conviction and in keeping with its deep democratic values, continually and responsibly fosters and strengthens constructive dialogue with national actors who oppose both the national Government and the revolutionary political process, which enjoy broad popular support. Therefore, it should be noted that, due to their wording, a few of the recommendations cannot be considered as such and were not accepted because they misrepresent the facts, have no connection with reality or are false. Nevertheless, regarding the rights and guarantees referred to in some of these recommendations, it should be emphasized that the guiding principle of the Bolivarian constitutional process is the effective and universal guarantee of the fullest possible enjoyment of all human rights, such as political participation or freedom of expression and information, including those of vulnerable groups.

9. The biases and false assumptions implied in these so-called recommendations are confusing or stem from ill faith and work against the very purpose of the valuable universal periodic review process and are contrary to the vital importance of ensuring a broader and more progressive protection of human rights as the raison d'être of the Constitution and the Republic. It must be emphasized that the most universal enjoyment possible of human rights and freedoms is guaranteed for all inhabitants of Venezuela. In this connection, the country's focus on reaffirming the effectiveness of women's rights should be noted, along with the special protection afforded to the paramount rights of children and adolescents, the rights of persons with disabilities and those of indigenous peoples, Afrodescendants and other ethnic groups. In Venezuela, any restriction of the free exercise of rights consubstantial with our democratic life is prohibited. Such is the case for freedom of expression and the right to information, which cannot be restricted, even under a state of emergency, and for the freedom of peaceful assembly in keeping with the Constitution and the law. Civil organizations also exercise their rights freely without any limitations other than those established in the Constitution and the law.

10. The Constitution and enforcement thereof guarantee the full independence and autonomy of each of the five branches of government, in keeping with the constitutional mandate to achieve the goals of the State while fostering broad public participation.

11. Regarding some of the recommendations that Venezuela has not accepted, it should be made very clear that, as a matter of public knowledge, Venezuela has safeguarded the right to initiate and carry out the necessary electoral procedures to hold a recall referendum, including the prior step of gathering expressions of interest from the public, in keeping with constitutional and legal requirements. Thus, the wording of these recommendations is misleading because it indicates or insinuates that the State has denied this right, which is untrue.

VI. Voluntary commitments

12. The Bolivarian Republic of Venezuela has undertaken the following commitments:

(a) Implement a new prison regime in all prison facilities with a view to achieving the social reintegration of persons deprived of their liberty through methods based on the principles of equality and social justice;

(b) Establish a specialized body to provide assistance to victims of violence;

(c) Strengthen the implementation of comprehensive public safety policies, such as the "A Toda Vida Venezuela" Great Mission, with a focus on prevention and multi-agency crime control, peaceful coexistence and the comprehensive development of individuals and communities;

(d) Deepen policies on comprehensive human rights training for police officers and members of the armed forces;

(e) Continue to hold public competitions for entry into the judiciary and the Public Prosecution Service in keeping with the Constitution;

(f) Open the Human Rights Congress as an annual forum for dialogue and the coordination of relevant public policy with human rights organizations and movements;

(g) Establish a permanent mechanism to follow up on the implementation of the recommendations made to Venezuela by the Human Rights Council and United Nations treaty bodies;

(h) Continue to put into practice the National Human Rights Plan 2016-2019 and assess its implementation and impact in 2019, taking into consideration the contribution of social organizations and movements and the United Nations system;

(i) Complete the construction of the National Monitoring and Follow-Up System through the development of human rights indicators in order to enforce and assess all relevant public policies;

(j) Design and implement an action plan on corporations and human rights;

(k) Strengthen cooperation with the Human Rights Council and other United Nations bodies by increasing the number of initiatives proposed by Venezuela in these forums;

(l) Stimulate sustainable economic growth by increasing productivity and technological innovation with a view to changing the rent-based economic model that has characterized the past 100 years;

(m) Step up measures to address and overcome early pregnancy;

(n) Increase the comprehensive health care provided to pregnant women as a national priority through the assessment and implementation of pre-, ante- and postnatal care programmes designed to eradicate maternal mortality;

(o) Consolidate the political participation and empowerment of social and human rights organizations and movements in state government forums, and further strengthen the People's Government Presidential Councils;

(p) Intensify efforts in the area of food, in particular by facilitating access to basic foodstuffs for the entire population, by strengthening public food distribution networks through agricultural planning and by ensuring food security and sovereignty;

(q) Promote the new national university admission system and guarantee fair and equal access;

(r) Increase student benefits, award more scholarships to undergraduate and graduate students to ensure the training of professionals in areas of national strategic interest, provide entirely free health care for students and build or refurbish student housing;

(s) Adopt legal instruments and specialized mechanisms to ensure equality and non-discrimination on grounds of sexual orientation, gender identity and gender expression;

(t) Increase the number of justice units working on gender-related cases in order to expedite assistance to women and prevent re-victimization;

(u) Continue to promote gender parity in alternating elected office, as well as gender balance in managerial posts and all decision-making entities;

(v) Design and implement a national plan on trafficking in persons;

(w) Take the necessary steps to accede to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled;

(x) Continue to carry out and promote efforts to upgrade the Simón Bolívar Braille printing house with a view to ensuring that material on various subjects is produced for visually impaired persons.

VII. Conclusion

13. In the present addendum, Venezuela indicates its acceptance of 193 recommendations on the assumption that they have been, are being or will be implemented. It has taken note of 28 recommendations already discussed. However, 53 recommendations did not meet with the support of the State because they are biased, confusing, politically ill-intentioned, based on false pretences or contrary to the spirit of cooperation and respect that should prevail in the universal periodic review.

14. Venezuela has undertaken 24 voluntary commitments, illustrating the country's firm decision to promote, guarantee, uphold, realize and respect human rights. A total of 217 recommendations and commitments will need to be reviewed by the Human Rights Council during the third cycle of the universal periodic review in October 2021.

15. Lastly, Venezuela reiterates its traditional pledge to continue to cooperate with United Nations human rights bodies, especially the Human Rights Council and related mechanisms, such as the universal periodic review, and to pursue its efforts to keep open a frank, positive, constructive and genuine two-way dialogue on the broad topic of human rights based on respect for the sovereignty of all States, the self-determination of peoples and the right to live in peace in order to fully realize human rights.